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February 6, 2013

BY FAX

Honorable Victor Marrero
United States District Court
500 Pearl Street, Courtroom 20B
New York, New York 10007-1312

| USDC SDNY |
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Re: **United States v. Peña**
      09-CR-341
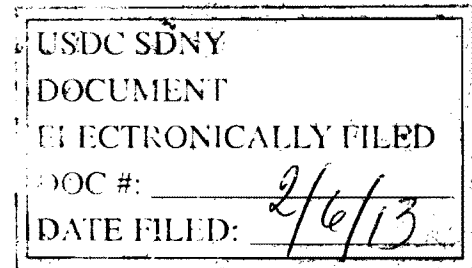
Dear Judge Marrero:

We represent defendant Rafael Francisco in the above-captioned matter, who is currently scheduled for sentencing on March 1, 2013 at 2:00 p.m. We write regarding a potential adjournment of that sentencing hearing to May 31, 2013.

We understand from Your Honor's clerk that the Probation Office needs more time to complete the presentence report and requires the medical records of Mr. Francisco in order to do so. We have requested the medical records from each of the hospitals at which Mr. Francisco has received treatment, but have not received them yet. We will provide those materials to the Probation Office as soon as we have them, but due to these circumstances, we have conferred with the Government and Your Honor's clerk regarding a new date for the sentencing hearing.

We have confirmed that the Government is available on May 31, 2013, and understand from Your Honor's clerk that this date may work for the Court as well. Accordingly, we respectfully submit that to accommodate the presentence investigation report, the sentencing hearing should be moved from March 1, 2013 to May 31, 2013, if acceptable to the Court.

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Thank you for your consideration of this matter.

Sincerely,

Michael S. Kim
Kimberly Perrotta Cole

cc: All counsel of record (via fax)

Request GRANTED. The sentencing of defendant _Rafael_
Francisco herein is rescheduled to _5-31-13_
at _3:30 p.m_ .

SO ORDERED.

_2-6-13_
DATE   VICTOR MARRERO, U.S.D.J.